

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Patent Application of**

Hirotoomo Ishii

**Application No.: 09/845,349**

Filed: May 1, 2001

For: IMAGE PROCESSING FOR  
BINARIZATION OF IMAGE DATA

# MAIL STOP PETITION

Group Art Unit: 2623

Examiner: COLIN M LAROSE

**Confirmation No.: 2588**

# PETITION UNDER RULE 183 TO WAIVE A REQUIREMENT OF THE RULES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Sir:**

On November 14, 2005, applicant filed a Request for Continued Examination, together with a Request for a Limited Suspension of Action under 37 CFR § 1.103(c) and the proper fees. At the time of filing, applicant's attorney assumed that the Request for a Limited Suspension of Action under Rule 103(c) qualified as the requisite "submission" of 37 CFR § 1.114. That assumption was based, in part, on the language in 37 CFR § 1.114(c), which states that the "submission" includes, "**but is not limited to**", the documents recited in 37 CFR § 1.114(c).

Applicant's attorney recently became aware of § 709, I, B, 1. (Requirements of the Manual of Patent Examining Procedure (MPEP), wherein it states that the "request for suspension cannot substitute for the submission". In view of the statement in the MPEP, applicant hereby files a "submission" and petitions the Patent & Trademark Office to retroactively waive the requirement of 37 CFR 1.114(a) that the submission be filed **with** the Request for Continued Examination. It is

important to note that in this case, a submission is being filed herewith. Thus, the only requirement that is requested to be waived is the **timing** of the submission.

Accordingly, since a submission is filed herewith, the applicant hereby petitions the Patent Office to retroactively waive, in this case, the requirement that a submission be filed **with** the Request for Continued Examination. The petition fee of \$400 (37 CFR § 1.17(f)) is submitted concurrently herewith. Any deficiencies to the fee may be charged to applicant's attorney's deposit account no. 02-4800. In the event that there are any questions concerning this petition, please telephone the undersigned attorney.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: January 30, 2006

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